



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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June 12, 2002

TO: Washington State Board of Health Members

FROM: Carl Osaki and Tom Locke, WSBOH Members

RE: Review of Rule Revision Work Plan for Chapter 246-215 WAC,
Food Service Regulations

Summary

Discussions about the rule revision time frame for chapter 246-215 WAC, Food Service Regulations, have been ongoing. At the November 2001 Board meeting the Department of Health (DOH) proposed that the revised rule be ready for public hearing approximately four years after initiation of the rule revision process. In response to concerns about the time frame and other issues, legislation was proposed, passed, and vetoed this past session. The bill originally set a December 2003 deadline for food service rule adoption, which was negotiated to a December 2004 deadline. The December 2004 date for adoption has been incorporated into the current food service rule revision time frame. Board members asked for an update on the food service rule revision process to facilitate discussion of the time frame.

Background

The purpose of chapter 246-215 WAC is to establish State Board of Health standards for food service under RCW 43.20.050 to promote and protect the health, safety, and well being of the public and prevent the spread of disease by food (WAC 246-215-001). The food service rules adopted by the Board cover a wide range of activities including food preparation, protection from contamination, temperature control and cooking requirements, sanitary design of equipment and utensils, cleaning, worker sanitation, and pest control. Local health jurisdiction staffs enforce Food Service regulations, and local boards of health may adopt more stringent regulations (WAC 246-215-280). The Board last revised its food service rules in 1992.

In November 2001 the Board filed a CR-101 to begin the rule revision process for the food service regulations with the goal of developing regulations that are more consistent statewide, using the U.S. Food and Drug Administration (FDA) Food Code as a guide (see attached CR-101).

The FDA Food Code contains model guidelines for regulating food service establishments, along with extensive references, public health reasons for the guidelines, and additional information. Thirty states have adopted the Food Code, and 15 other states are in the process of adopting most of the provisions of the Food Code.

In February 2002 the Senate and House passed Engrossed Substitute Senate Bill 6588, which intended to give the Board exclusive authority to adopt food service rules, and the Department of Health exclusive authority to interpret food service rules, except for local boards of health being able to adopt temporary emergency deviations. ESSB 6588 also set a deadline of December 31, 2004 for the Board to adopt updated food service rules.

Although Governor Locke vetoed ESSB 6588, the December 2004 rule adoption date has been incorporated into the food service rule revision time frame.

David Gifford from the DOH Food Safety Program will discuss the rule revision time frame and update the Board on the workgroup's process and progress. (Please see DOH materials in Tab 8: "DOH Revision of Chapter 246-215, Food Service Rule Workgroups Process" and "Estimated Food Service Rule Development Process and Time Frame.")

Board action recommended

No action recommended at this time.

Attachments